

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 69039	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/IL 09/00940	International filing date (<i>day/month/year</i>) 01 October 2009 (01.10.2009)	(Earliest) Priority Date (<i>day/month/year</i>) 20 October 2008 (20.10.2008)
Applicant SMART MEDICAL SYSTEMS LTD.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (see Box No. II).

3. ☒ Unity of invention is lacking (see Box No. III).

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1
☒ as suggested by the applicant.
☐ as selected by this Authority, because the applicant failed to suggest a figure.
☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figures is to be published with the abstract.

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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☒ Claims Nos.: 5-10, 14-15, 19-20, 25, 30, 38, 42-45
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
See extra sheet.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1-4, 11-13, 16-18, 21-24, 26-29, 31-37, 56-58

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

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International application No.

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A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - A61B 1/04 (2010.01)

USPC - 600/116

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
600/116Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
600/101, 121, 160

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

PubWest (PGPB, USPT, EPAB, JPAB); Google

(surg?r\$3 or surgic\$5 or invasiv\$3), (endoscop\$5 or borescop\$5), (inflat\$4 or engag\$5 or expand\$4 or enlarg\$4) and (balloon? or material? or sac? or bag? or pouch?), ((IMAG\$3 OR PICTURE? OR SIMULATION?) AND (ILLUMINAT\$3 OR LIGHT\$3 OR BRIGHT\$3))

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,259,366 A (Reydel et al.) 09 November 1993 (09.11.1993), entire document, especially Abstract; Fig. 1-6; col 1, ln 6-7; col 3, ln 5-21; col 3, ln 26-28; col 3, ln 38-39; col 4, ln 54-59; col 5, ln 27-30; col 5, ln 36-44; col 5, ln 57-58; col 5, ln 66-67; col 6, ln 3-10	1-4, 11-13, 16-18, 22, 23/(22), 24/(22), 26-29, 31-37, 56-58
Y	US 5,762,604 A (Kieturakis) 09 June 1998 (09.06.1998), entire document, especially Abstract; Fig. 1, 4, 5; col 3, ln 65 to col 4, ln 8; col 4, ln 64 to col 5, ln 8; col 5, ln 56-63	1-4, 11-13, 16-18, 34-37, 56, and 57
X	US 5,135,001 A (Sinofsky et al.) 04 August 1992 (04.08.1992), the entire document especially Abstract; col 2, ln 66 to col 3, ln 62; col 4, ln 49 to col 5, ln 9	21, 23/(21), and 24/(21)
Y		22, 23/(22), and 24/(22)
Y	US 5,938,586 A (Wilk et al.) 17 August 1999 (17.08.1999), the entire document especially Fig.17, 19; col 8, ln 59-60; col 7, ln 23-24; col 9, ln 55-60	26-29, 31-33, and 58

☐ Further documents are listed in the continuation of Box C.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

10 May 2010 (10.05.2010)

Date of mailing of the international search report

02 JUN 2010

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US, Commissioner for Patents

P.O. Box 1450, Alexandria, Virginia 22313-1450

Facsimile No. 571-273-3201

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

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International application No.

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This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group 1 (Claims 1-4, 11-13, 16-18, 21-24, 26-29, 31-37, 56-58) is drawn to a side mountable device for use with an endoscope comprising: side-mounting a side-mountable circumferential engagement assembly onto a rearward portion of said endoscope outside the tubular body portion of the patient while said forward portion of the endoscope remains in the tubular body portion of the patient; sliding said side-mountable circumferential engagement assembly along said endoscope at least partially into the tubular body portion of the patient; and causing said side-mountable circumferential engagement assembly to circumferentially engage said tubular body portion for performing said follow-on endoscopic function.

Group 2 (claims 39-41, 46-50) is drawn to an insertable stiffener comprising:
a cap;
an elongate stiffener element of length less than said predetermined distance, mounted onto said cap.

Group 3 (Claims 51-55) is drawn to an instrument channel extension assembly comprising: a connector for selectable coupling to an instrument channel port of said endoscope; and an instrument channel extension tube attached at a first end thereof to said connector.

The inventions listed as Groups 1 and do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of the Group 1 claims is a side-mountable assembly; not required by the claims of Groups 2-3.

The special technical feature of the Group 2 claims is a cap and elongate stiffener; not required by the claims of Groups 1 and 3.

The special technical feature of the Group 3 claims is a connector for selectable coupling to an instrument channel port and an instrument channel extension tube attached to said connector; not required by the claims of Groups 1-2.

The shared technical feature of an elongate catheter tube and an inflatable balloon communicating with an interior of said elongate catheter tube is anticipated by US 2008/0091068 A1 (Teriluc). Teriluc discloses an elongate catheter tube and an inflatable balloon communicating with an interior of said elongate catheter tube (Abstract; Fig. 4A; para[0109]).

None of these technical features are common to the other groups, nor do they correspond to a special technical feature in the other groups. Therefore, unity of invention is lacking.

Claims 5-10, 14-15, 19-20, 25, 30, 38, 42-45 are unsearchable as they are improperly drafted multiple dependant claims in accordance with PCT Rule 6.4(a)